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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/806,453	03/23/2004	Takashi Ozawa	Q80636	1790	
65565 SUGHRUE-26	7590 01/29/2007 5550		EXAMINER		
2100 PENNSYLVANIA AVE. NW			KLEMANSKI, HELENE G		
WASHINGTON, DC 20037-3213			ART UNIT	PAPER NUMBER	
			1755		
			•	-	
			MAIL DATE	DELIVERY MODE	
			01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief  Application No.   Application No.   Applicant(s)   CZAWA ET AL.   Examiner   Art Unit   Helene Klemansk   Art Unit							
Before the Filing of an Appeal Brief  Examiner Helene Klemanski 1755  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 10 January 2007. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  I. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must finely file one of the following regiles; (1) an amendment, siffaciat, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with of Continued Examination (RCE) in compliance with 37 CFR 1.131. for (3) a Requeste for Continued Examination (RCE) in compliance with 37 CFR 1.131. The reply must be file dwithin one of the following of the period for reply expires §months from the mailing date of the African 37 CFR 1.1361, and the statutory period for reply expires §months from the mailing date of the Month of the Period for reply expires §months from the mailing date of the Month of the Period for reply expires \$months from the mailing date of the Month of the Period for reply expires \$months from the mailing date of the Month of the Period for reply expires \$months from the mailing date of the Month of the Period for reply expires \$months from the mailing date of the final rejection.  Examiner Note: 150 or 15 secked checked. check either box (a) or 150 NIX CHECK BOX (b) WHEN THE RIFST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 706.07(f).  Extensions of time was be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nave been filed is the date of purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee and 57 CFR 1.137(a) is calculated from (1) the expiration date of the single section of the purposes of the filed of purposes of the filed of the filed section of the		Application No.	Applicant(s)				
Helene Klemanski  —The MAILING DATE of this communication appears on the cover sheet with the correspondence address— THE REPLY FILED 10 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALL OWANCE.  1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies (1) an amendment, afficient, on over ordinations, which place the septication in condition for allowance; (2) a Nidero, 4 Appeal and a mendment, afficient, on over ordinations, which place the septication in condition for allowance; (2) a Nidero, 4 Appeal and a mendment, afficient, on over ordinations, which place the septication in condition for allowance; (2) a Nidero, 4 Appeal and a mendment, afficient, on over the mendment of the following time periods:  3 ☑ The period for reply expises of, (1) the mailing date of this final rejection.  4 ☐ The period for reply expises of, (1) the mailing date of the final rejection.  5 ☐ The period for reply expises on (1) the mailing date of the final rejection.  5 ☐ The period for reply expises on (1) the mailing date of the final rejection.  6 ☐ The period for reply expises of the study period for reply expise taller than SIX MONTHS from the mailing date of the final rejection.  7 ☐ The period for reply expises of identifying the period of extension and the corresponding amount of the final rejection.  8 ☐ The period for reply expises of determining the period of extension and the corresponding amount of the final diffice action; (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (1) the shortened period expirate extension fee ander 13 for Final 1	——————————————————————————————————————	10/806,453	OZAWA ET AL.				
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<ul> <li>1. Sim per popty was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To sovidence, which places the application, applicant must timely file one of the following replies: (1) an amendment, affaidavil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</li> <li>a) The period for reply expires @_months from the mailing date of the final rejection.</li> <li>b) The period for reply expires @_months from the mailing date of the final rejection.</li> <li>b) Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MPEP 70607(f).</li> <li>Extensions of time may be obtained under 37 CFR 1.136(g). The date on which the petition under 37 CFR 1.136(g) and the appropriate administration of the may be obtained under 37 CFR 1.136(g). The date on which the petition under 37 CFR 1.136(g) and the appropriate administration of the date for purposes of determining the period of deterministration and the corresponding amount of the tee. The file of the date of the file of the date of the file of the date of the file of the fil</li></ul>	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress			
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b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no revent, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner, Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRNAL REJECTION. See MEPE 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above; if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any samed patent term adjustment. See 37 CFR 1.704(b).  MOTICE OF APPEAL.  2. ☑ The Notice of Appeal was filed on 10 January 2007. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issues of new water (see NOTE below);  (b) ☐ They raise the issue of new matter (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or they present additional claims without cancelling a corresponding number of f	this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following						
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Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) abows, if checked. Any reply received by the Office later than three months after the malling date of the final fore action; or (2) as set forth in (b) abows, if checked. Any reply received by the Office later than three months after the malling date of the final foreicion, even if timely filed, may reduce any seamed patent term adjustment. See 37 CFR 1.704(b).  MOTICE OF APPEAL.  2. An In Notice of Appeal was filed on 10 January 2002. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(b)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s): See Continuation Sheet.  3. Notice of Appea	no event, however, will the statutory period for reply expire I	ater than SIX MONTHS from the mailin	g date of the final rejecti	on.			
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(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	<ul> <li>(a) ☐ They raise new issues that would require further co</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below)</li> <li>(c) ☐ They are not deemed to place the application in be</li> </ul>	nsideration and/or search (see NO ow);	TE below);				
5.  Applicant's reply has overcome the following rejection(s): See Continuation Sheet. 6.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: 10. Claim(s) rejected: 1-7.9 and 11. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE 8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	(d) They present additional claims without canceling a corresponding number of finally rejected claims.						
Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  Newly proposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: 10. Claim(s) objected to: 10. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  Solution of the evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)			ompliant Amendment	(PTOL-324).			
<ul> <li>7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:</li></ul>							
B.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  Helene Klemanski Primary Examiner	7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: 10. Claim(s) rejected: 1-7.9 and 11. Claim(s) withdrawn from consideration:	☐ will not be entered, or b) ☒ wivided below or appended.	ill be entered and an e	explanation of			
because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  Helene Klemanski Primary Examiner		ut before or on the date of filing a N	lotice of Appeal will no	ot be entered			
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See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  13. Other:  Helene Klemanski Primary Examiner	<del></del>	on of the status of the claims after e	entry is below or attack	nea.			
13. 🗆 Other:  Helene Klemanski Primary Examiner	·	ut does NOT place the application i	n condition for allowa	nce because:			
	12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08) Paper No(s).	Primary Examiner	make			

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Part of Paper No. 20070119

Continuation of 5. Applicant's reply has overcome the following rejection(s): the provisional obviousness type double patenting rejections over SN's 10/503,894 and 10/807442 (now US Patent No. 7,077,894).

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue that claims 1 and 2 recite that each ink contains at least one dye having an anionic group and at least two heterocyclic groups. The examiner disagrees since the claim language is "wherein at least one dye of the dyes having an anionic group is a dye having at least two heterocyclic groups". Therefore, it is the examiner's position that only one of the dyes contained in the ink sets of the Kabalnov and Berger et al. references has to have two heterocyclic groups (i.e. the Direct Blue 199 of the Kabalnov reference and the metallized dye of the Berger et al. reference). Accordingly, the instant claims are still encompassed by the cyan ink of the Kabalnov reference and the yellow ink of the Berger et al. reference.